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Japan

Food and Agricultural Import Regulations and Standards

Japan to Develop a Positive List of Maximum Residue Limits for Pesticides 2002

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Report Highlights:

In an effort to strengthen pesticide regulations, Japan's government has proposed a positive list of maximum residue limits for pesticides. The implementation of a positive list leaves the opening for a single omitted pesticide to significantly affect exports of an entire commodity. The Japanese government has asked for active participation in the process from the U.S. government and industry to insure this does not happen.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report

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Japan will be making significant changes in the way it regulates pesticide residues, and these changes could affect U.S. produce exports to Japan. Japan's Ministry of Health, Labor and Welfare (MHLW) recently released the text of its proposed revisions to Japan's Food Sanitation Law. (See GAIN report JA2064.) While there may be minor changes from the draft legislation, Post expects it to be adopted, around the beginning of the next Japanese fiscal year (April 1, 2002). Regulatory implementation will follow shortly thereafter. The Ministry of Agriculture, Forestry and Fisheries is also implementing regulatory changes for pesticides, but these changes will affect domestic producers, not imported products.

Under the proposed legislation, MHLW will adopt a system similar to that used in the United States, featuring a "positive list" with maximum residue limits (MRL) for specific residues. Produce with pesticide residues for which there is no MRL, or with pesticide residues exceeding MRL's, can not be marketed in Japan and they will be rejected for importation.

Currently, when imports contain agricultural chemicals for which residue standards are not established, MHLW looks to domestic use, Codex standards, and other scientific standards in making case by case determinations on how to handle import shipments. The proposed legislation calls for a transition period, which MHLW said would probably last until 2006. Post assumes that the transition period will end April 1, 2006, but this is not specified in the proposed legislation. During the transition period, the current informal system for handling pesticide residues for which there are no MRL's in Japan will continue.

During the transition period MHLW will approve additional pesticides and set MRL's for them. If history is a guide, this list will be developed based, in part, on a list of pesticides proposed and used by foreign countries. MHLW will probably look for industry support in order to compile test and evaluation data. Industry participation is not required, but in the past, due to resource constraints at MHLW, greater consideration has been given to those chemicals for which there is industry support in providing test and evaluation data.

During the transition period, MHLW will also develop an approval process for adding new pesticide MRL's. Once MHLW finishes the initial list of approved pesticides, additions to this list will be subject to this new approval process. The new process is likely to be more cumbersome than what will be required to establish the initial positive list of approved pesticides.

MHLW is considering the need to make allowances for the unintentional presence of trace amounts of pesticides, for example, from cross contamination during distribution. MHLW is reportedly considering setting a general 'tolerance' level for pesticides. Residues below this tolerance would then be regarded as 'not harmful to humans.' However, they have not indicated what the tolerance level might be.

As Japan develops its positive list, it will be imperative for the U.S. government and U.S. produce industry to work closely together to develop a complete list of all pesticides which are currently used in the United States to produce commodities that might be exported to Japan. In order to prevent trade disruptions, it will then be important to make sure that every pesticide which is regularly used in the

United States, is also approved in Japan, with a similar MRL, and a similar testing methodology. Failure to do this, could close certain kinds of U.S. produce out of the Japanese market once the new legislation is fully implemented in 2006.

The Ministry of Agriculture, Forestry and Fisheries (MAFF) is also revising the Pesticide Control Law. Under the proposed changes, MAFF will get expanded authority to regulate the use of pesticides and the crops to which they can be applied. The current law only prohibits the sale of pesticides that are not registered with MAFF. As a result, unregistered pesticides have been widely used in Japan. The new law will make it illegal to produce, import and use unregistered pesticides. MAFF will also develop a list of "Specifically Designated Pesticides" which are not considered to be harmful to humans, the environment, and other organisms. Under current regulations, it would technically be illegal use products like milk and vinegar as a pesticide.